



DOCKET NO. 1975.1004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Satoshi KITAMURA et al.

Group Art Unit: 1638

Serial No: 10/797,035

Examiner: Russell Kallis

Confirmation No.: 4549

Filed: March 11, 2004

For: PLANT PIGMENT ACCUMULATION GENE

PETITION UNDER 37 C.F.R. §§ 1.84 (a)(2) and (b)(2)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Applicants respectfully request under 37 C.F.R. §§ 1.84 (a)(2) and (b)(2) that the Examiner allow the use of the enclosed color versions of Figs. 2-4, 7 and 9. It is believed that these color photographs most clearly provide a better understanding of points raised in the written description. For example, the written description makes specific reference to "color" or "pigmentation", e.g., "red color", "purple pigmentation" and "pale brown color". See, e.g., page 10, lines 23-24, page 11, line 9, page 25, line 27, page 26, line 23, page 27, lines 24-25, page 28, line 28, page 29, lines 8 and 15, page 30, page 38, line 16, page 43, line 5 and page 45, lines 9-10 of the application as filed.

The \$130 Petition fee is also enclosed as set by 37 C.F.R. § 1.17h) and as required by 37 C.F.R. § 1.84(a)(2)(i). Three sets of color photographs are enclosed as required by 37 C.F.R. § 1.84 (a)(2)(ii). Finally, in the Response file concurrently herewith, an amendment is made to the specification to make reference to the color drawings.

10/29/2008 JADU01 00000018 10797035

01 FC:1464

130.00 OP

If there are any additional fees associated with this Petition, please charge same to our
Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By:

William F. Herbert
Registration No. 31,024

Date: 10/28/08

1201 New York Avenue, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501